ALBERTA

LAW ENFORCEMENT

REVIEW BOARD

ANNUAL REPORT

1997

100-05464/

ALBERTA
LAW ENFORCEMENT REVIEW BOARD

Office of the Chairman

June 5, 1998

Honourable Jon Havelock
Minister of Justice and Attorney General
320 Legislature Building
Edmonton, Alberta
T5K 2B6

Dear Mr. Havelock:

Re: 1997 Annual Report - Law Enforcement Review Board

In accordance with section 14 of the *Alberta Police Act* (1988), I respectfully submit the 1997 Annual Report for the Law Enforcement Review Board.

Sincerely,

P. J. Knoll, Q.C.
Chairman

cc: Board Members
Board Counsel
N. McCrank - Deputy Minister, Justice
R. Dunster - Assistant Deputy Minister, Public Security
Alberta Police Commissions
Chiefs of Police - Alberta Municipal Police Services

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ALBERTA
Law Enforcement Review Board
1997 Annual Report

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CHAIRMAN'S MESSAGE

Two recent international studies are noteworthy concerning the importance of policing and citizen perceptions of policing services. The World Bank report (1997) on the wealth of nations has finally identified policing as a key aspect of social capital - an essential ingredient and foundation post for successful nations. The second survey, by the Dutch Justice Department and the United Nations (1996), reports that Canadians have the greatest faith in their policing services, compared with citizens in ten other industrialized countries. The World Bank report underscores a continuous need for sound, efficient, and professional policing services in any democratic jurisdiction intent on growth and productivity. The United Nations report confirms the high level of regard and confidence that Canadians have in our law enforcement officials.

With respect to municipal policing in Alberta, the Law Enforcement Review Board is pleased to report (from the Board's perspective) that Albertans are very well served by our policing agencies. Municipal police services in Alberta are highly organized, well managed, and professionally staffed. In many respects Alberta municipal police services are models for municipal policing across Canada.

The high standards achieved by Alberta's municipal police services, however, have not arisen in the absence of external support, review, and accountability mechanisms. In this connection municipal Police Commissions have played (and continue to play) a critical role. The Law Enforcement Review Board is also engaged in oversight activities - particularly related to the actions and conduct of individual police officers. Together, Alberta Police Commissions and the Board work in partnership to ensure that municipal police services are accountable to the citizens of their communities and to the laws they strive to enforce. These oversight activities ensure public confidence in the overall direction and goals of Alberta policing and allow for public input and access in the context of complaints or grievances. It can only be expected that greater demands will arise in the context of oversight of municipal policing as the population of Alberta increases.

With respect to the future the Board is particularly interested in encouraging the development of a core curriculum of materials that can be used for municipal police recruit and in-service training. In 1997, the Board issued a decision (Smith - No. 035-97) expressing concern over the current depth of instruction that recruits and line officers are receiving with respect to police powers and duties. This concern should not be unexpected as the legal context of policing has undergone a sea change over the last decade due to the impact of the Charter of Rights and Freedoms. The legal context of police powers and duties has effectively been transformed from a fairly general pool of knowledge to a highly sophisticated array of rules and requirements that police officers must follow. Officers who do not, or have not, mastered this new and much larger body of law are increasingly left open to citizen complaints and community member grievances.

The increased demand on municipal police services to expand the depth of instruction for recruits and serving officers would appear to be problematic in the current context of available funding and training resources. From the Board's perspective this is a significant issue for the immediate future as difficulties, complaints, and appeals are likely to increase absent sufficient training for recruits and continuing education for serving members. The Board's experience with 12 recruit classes over the last three years has demonstrated to the Board that current training is at a high level, however, improvements in the depth of legal studies are necessary if officers are to meet the growing demands of a more complex and structured legal environment. In this respect the Board intends to work in 1998-99, with municipal Police Services and Commissions to encourage the provincial Public Security Division to give consideration to the development of a core set of training materials for all municipal police services.

INTRODUCTION

Public accountability is the central issue in complaints against members of professions, such as policing. In Alberta, municipal police officers are subject to a public complaints process through the *Alberta Police Act*, SA 1988, chapter P-12.01 (with amendments in force as of June 25, 1991). The *Act* provides that the Chief of Police is primarily responsible for the disposition of complaints concerning officer misconduct or policies and services. The Law Enforcement Review Board is the appeal body for complaints concerning officer conduct. The Law Enforcement Review Board also has the power to inquire into matters concerning complaints on its own initiative (s.17) and has the powers of a commissioner under the *Public Inquiries Act*. The activities of the Board for the calendar year 1997 are detailed in this report.

MANDATE/ROLE OF THE BOARD

The Law Enforcement Review Board is a quasi-judicial body established under the *Alberta Police Act*. The Board provides an independent means for reviewing public complaints concerning police conduct and for appeals by officers from disciplinary action. The mandate of the Board is derived from the *Police Act*, Part 2, Sections 9 through 20.

The principal activity of the Board is to hear appeals from citizens who have complained about a police officer's actions and are not satisfied with the disposition of their complaint. Police officers who have been the subject of discipline arising out of a complaint

and who are aggrieved with the decision of their chief of police may also appeal to the Board. The Board provides a forum for both citizens and police officers, separate and apart from the police service involved. The principal objective of the Board is to conduct an independent and impartial review.

Hearings are scheduled as required, depending on the number of appeals filed, and are usually held in the municipality where the issue arose. Normally, three Board members are in attendance at each Board hearing. The *Police Act* stipulates that the Board be composed of not fewer than three members. Members are appointed by the Lieutenant Governor in Council. The *Police Act* specifies for the purposes of conducting an appeal or an inquiry, a quorum shall consist of two members of the Board.

BOARD MEMBERSHIP

The following individuals were members of the Law Enforcement Review Board during 1997:

P.J. Knoll, Q.C.	Chairman	Calgary, Alberta
C.R. Cunningham	Member	Nestow, Alberta
G.J. Greig	Member	Spruce Grove, Alberta
F.G. Lowe	Member	Calgary, Alberta

The *Police Act* provides that at least one member of the Board be an active member of the Law Society of Alberta, and that the Chairman must be an active member of the Society. In case of illness, absence or other disability of the Chairman, the member in attendance with the longest period of service on the Board shall act in place of the Chairman.

Term of Membership

Members of the Board are appointed by Order in Council for a term of not more than three years and are eligible for reappointment. According to the *Act*, a member continues to hold office until reappointment or a successor is appointed.

Remuneration

Board members are provided remuneration through general Order in Council #769/93. The Chairman and members are entitled to paid travel and living expenses in accordance with the Subsistence and Travel Allowance Regulation made by Ministerial Order 6/84, as though they were employees of the government. Details of these Orders are available to the public.

BOARD ACCOMMODATION - STAFF - FINANCIAL

The office of the Law Enforcement Review Board is located on the 10th Floor, 10365 - 97 Street, Edmonton, Alberta. The office is open during regular business hours to receive inquiries from members of the public, police officers, or a respective police service in regard to its function.

One full time staff member is assigned to handle appeals filed with the Board and to provide support to the Board in order to accomplish its mandate. This is the position of Board Secretary, who is responsible for the administration and management of support functions. Regular support is also provided by Counsel to the Board in the handling of appeals.

Board members are not public service employees and do not receive any form of employee benefits. Financial management of Board matters is coordinated through the Finance and Administration Branch of the Public Security Division. The Board does not administer its own budget and is subject to accountability for expenditures through normal government budgetary and expenditure review. The financial records of the Board are available for public review in the same manner and to the same extent as are other public service expenditure records.

The Alberta Law Enforcement Review Board compares very favourably in respect to other law enforcement review agencies in Canada in the context of per capita expenditures. In some of the larger provinces the cost of law enforcement review runs to millions of dollars, and greatly exceeds the Alberta per capita cost. Responsible and prudent expenditure in this regard arises in part from the structure of oversight functions set out in the *Police Act*. The Board attempts in all instances to carry out its duties in a cost efficient and productive manner.

DISCLOSURE

The Board's current disclosure policy provides for active dissemination of the statement or report provided by an officer(s) given in response to a public complaint. In the result all appellants are provided the report or statement (if made) of the complained of officer(s) with the return of procedural information normally provided by the Board. The Board's disclosure policy embraces the requirements of the *Alberta Freedom of Information*

and Protection of Privacy (F.O.I.P.) Act. More information in that regard is provided under the next heading.

Of the 43 cases handled by the Law Enforcement Review Board in 1997, 10 (23%) of the citizen appellants requested disclosure of Board files. This represents a decrease of 7% over 1996. Of those, 5 (50%) disclosures were to appellants from Calgary (representing a increase of 14% from 1996) and 3 (30%) were to appellants from Edmonton (representing a decrease of 34% from 1996). The Board received 1 (10%) disclosure request from Lethbridge and 1 (10%) disclosure request from Medicine Hat.

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY LEGISLATION

During the 1997 calendar year the Board received two F.O.I.P. applications. Since the commencement of the Freedom of Information and Protection of Privacy (F.O.I.P.) legislation in 1995, the Board has received four requests under the Act. The first request was processed as required by legislation. The applicant subsequently filed an appeal with the Office of the Privacy Commissioner and both parties participated in a mediation process. The applicant then sought an inquiry under Section 66 of the F.O.I.P. Act. After a lengthy process the Privacy Commissioner issued Order 96-003 concerning material at issue. For the most part the Privacy Commissioner confirmed the positions taken by the Board concerning refusal to release specific records. An appeal from the inquiry decision was not launched by the Board or the applicant. Order 96-003 (No. 1010) should be considered useful reading for all Alberta police commissions prior to the in force date of the F.O.I.P. Act concerning "local public bodies". The other requests were also processed as required by legislation. Disclosure of information was provided to the applicants pursuant to F.O.I.P. provisions.

On April 23, 1997, changes were made to the Board's existing specification under s. 83(1) of F.O.I.P (Board Policy No. 5). The revised specification was intended to provide comprehensive disclosure on request. The Board expects the new initiative will limit F.O.I.P. applications. F.O.I.P. procedures are very extensive and time consuming. The specification procedure is considered a cost efficient mechanism for release of records. It is also the case that the specification procedure can be implemented in such a manner that sensitive information within specified records can be retained by operation of the F.O.I.P. Act.

In regard to the F.O.I.P. Act the Board is taking steps to keep abreast of changes and developments as the new legislation unfolds. The Board Secretary has been directed in this connection to take all in-service courses and instruction available from the Departments of Justice, and Public Works, Supply and Services. The Board is also on the alert for developments in other Canadian jurisdictions that may impact on the interpretation of Alberta legislation.

REFERENCES AND RECOMMENDATIONS

An important function of the Board is to make references and recommendations to municipal police commissions and police services arising out of appeals filed to the Board. In most instances references or recommendations are concerned with existing practices or policies that are considered ineffective or problematic. Prevention and improvement is the context for most Board measures in this regard. In the majority of cases the Board establishes an interface with the municipal police commission concerned to secure productive consideration. In some instances direct contact is made with the police service involved. The following references and recommendations have been made by the Board since 1992:

1997

- Reference Concerning Informal Resolution (No. 012-97).
- Reference Concerning Officers Using Systems/Databases to Obtain Personal Information (No. 020-97).
- Reference Concerning Issuance of Disposition Letters (No. 023-97).
- Reference Concerning Mediation of Complaints (No. 034-97; No. 040-97).
- Reference Concerning Value-Based Program for Recruit Training (No. 035-97).
- Recommendation Ensuring Establishment of Written Policies Regarding Cancellation of Special Constable Appointments (No. 039-97).
- Recommendations Ensuring Cancellation of Special Constable Appointments are Reviewed and in Compliance with the Requirements of Administrative and Employment Law (No. 039-97).

1996

- Recommendations for Improvements in the Disciplinary Hearing Process (No. 032-96).
- Recommendations for Training of Presenting and Presiding Officers (No. 024-96).
- Reference Concerning Strip Searches (No. 027-96).

- Reference Concerning Shackling of Arrested Persons and Video Taping of Arrest Processing Area (No. 018-96).

1995

- Reference Concerning Officer Training and Detention of Children (No. 029-95).
- Reference Concerning Enforcement of Custody Orders (No. 006-95).

1994

- Reference Concerning Transportation in Police Vans (No. 017-94).
- Reference Concerning Review of Warrant Procedures (No. 022-94).

1993

- Recommendations Concerning Drug Unit Training and Practices (No. 007-93).
- Reference Concerning the Employee Assistance Program (No. 025-93).
- Recommendation Concerning a Note Retention Policy (No. 039-93).

1992

- Reference Concerning Delay and Procedural Irregularity in Complaint Dispositions (No. 032-92).

CONFERENCES AND PRESENTATIONS

The Board has strived to keep abreast of new knowledge and initiatives in the areas of public complaints and police discipline practices. Various conferences and meetings have been attended by the Board Chairman for this purpose. In several instances the Board Chairman (or other Board members) have made presentations to the conference assembly. The following conferences/meetings were attended in 1997.

- January, 1997 — Recruit Training Class, Calgary Police Service (presentation).

  Recruit Training Class, Edmonton Police Service (presentation).

- April, 1997 — Alberta Association of Municipal Police Commissions (presentation).

		Recruit Training Class, Calgary Police Service (presentation).
•	May, 1997	Edmonton Police Commission Meeting (presentation).
•	September, 1997	Canadian Association of Civilian Oversight of Law Enforcement, Ottawa (P. Knoll - Chair of Panel).
•	October, 1997	Recruit Training Class, Edmonton Police Service (presentation).
		Recruit Training Class, Lethbridge Police Service (presentation).
		Lethbridge Police Service, Senior Officers (presentation).
		Recruit Training Class, Calgary Police Service (presentation).
•	December, 1997	Recruit Training Class, Edmonton Police Service (presentation).

SUMMARY OF BOARD DECISIONS

CITIZEN APPEALS

ALLOWED

Mr. D. Earle filed an appeal with the Board regarding the cancellation of his Special Constable Appointment. Taking into consideration the evidence provided at the appeal hearing and a review of the exhibits filed, the Board allowed the appeal. The Board **RECOMMENDED** to the Minister of Justice that Mr. Earle's appointment be re-instated. A variety of remedial recommendations were attached by the Board.

Mr. S. Smith appealed the decision of the Chief of Police regarding his complaints that a police officer failed to properly investigate allegations made against him, and took a prejudiced position toward him based on gender discrimination. After hearing all the evidence given at the appeal hearing the Board was satisfied that Mr. Smith had met the burden of proof with respect to his complaint on the thoroughness of the investigation. The appeal was allowed and the officer was **ADMONISHED**. References were made to Calgary Police Commission.

Mr. K. Rishi filed an appeal regarding the sanction of reprimand given to a police officer as a result of a disciplinary hearing. The disciplinary hearing was conducted as a result of Mr. Rishi's complaint of Unlawful Exercise of Authority against the officer. The Board took into consideration both aggravating and mitigating circumstances, and as a result allowed the appeal to the extent that the sanction was varied from reprimand to a forty-hour suspension without pay.

ALLOWED IN PART

Ms. E. Kwartel appealed the Chief's decision regarding her complaint that a police officer, who is also her brother-in-law, interfered with financial and health related matters concerning Ms. Kwartel's mother. Ms. Kwartel also alleged threatening comments were made toward her. After hearing the evidence the Board allowed the appeal insofar as charges and a disciplinary hearing be conducted concerning the officer. The appeal was dismissed on all other aspects of the complaint.

DISMISSED UPON HEARING

Edmonton

Mr. M. Krysko appealed the decision of the Chief of Police regarding the penalty issued to a member of the police service concerning inappropriate conduct. After hearing the evidence the Board concluded that Mr. Krysko had not met the burden of proof required to alter the penalty. The appeal was therefore dismissed.

Mr. G. Osborne appealed the decision of "not justified" regarding his complaints of excessive use of force and inappropriate conduct when he was placed under arrest. After hearing the evidence the Board found that the determination of the Chief of Police was justified and the appeal was dismissed.

Mr. D. Zurowski appealed the decision of the Chief of Police regarding a number of complaints against a police officer. The officer received an "Official Warning" for his conduct on one of the complaints. The Board supported the penalty issued, however, as to the other complaints the Board determined that the disposition of the Chief of Police would remain unaltered.

Ms. D. deJong appealed the decision of "not justified" regarding her complaints of harassment, assault and verbal abuse by a member of the police service. After hearing the evidence presented the Board was not satisfied that the burden of proof had been met and the appeal was therefore dismissed.

Mr. R. Beckman filed an appeal with the Board concerning a complaint against two police officers. The Police Service wrote to Mr. Beckman requesting further details regarding his complaint. After a considerable length of time had passed and no response was received from Mr. Beckman, the police service considered the matter concluded. Upon hearing the evidence the Board dismissed the appeal. A reference was made to the Edmonton Police Commission to review the process for informal resolution.

Ms. S. Wong appealed the decision of the Chief of Police regarding her complaint that two police officers used excessive force when she was restrained and transported to a hospital. After considering the evidence presented at Ms. Wong's hearing the Board concluded that the appeal must be dismissed.

Mr. F. Donecz filed an appeal regarding his complaint that the Police Service's response and investigation into a long term dispute with his neighbour was unsatisfactory. Mr. Donecz's appeal was conducted in two separate hearings. The Board took into consideration the evidence presented at the hearings and determined that the appeal must be dismissed. Two decisions were issued, one with costs awarded against the appellant.

Ms. M. Hill filed an appeal regarding complaints that officers unlawfully entered her residence and used excessive force in restraining her, causing injury to her arm. After careful review of the evidence presented the Board dismissed the appeal on all aspects of the complaint.

Mr. S. Bradley filed an appeal regarding complaints that he was constructively arrested and detained. Mr. Bradley also alleged he was threatened that his employer would be contacted if he did not provide a statement. After hearing the evidence the Board was persuaded that the appeal must be dismissed. The Board **CAUTIONED** the member with respect to the approach taken in obtaining statements.

Calgary

Ms. C. Riopelle appealed the decision of "not sustained" regarding her complaint of inappropriate conduct by a police officer. After consideration of the evidence presented the Board was not satisfied that Ms. Riopelle's recollection of events were sufficient to meet the burden of proof. The appeal was therefore dismissed.

Ms. A. deVries appealed the decision of the Chief of Police regarding her complaint that a member of the police service physically and verbally abused her. This complaint was dealt with by the police service in 1990. As a considerable length of time had lapsed before this appeal was heard, Ms. deVries was unclear as to the events preceding the complaint. The Board found that there was no foundation for this appeal and it was therefore dismissed.

Mr. R. Hilford appealed the decision of "unfounded" regarding his complaint that two police officers improperly investigated a motor vehicle accident in which Mr. Hilford was

a witness. After hearing the evidence the Board concluded that although Mr. Hilford's complaint may have been well intentioned, the burden of proof had not been met and the appeal was dismissed.

Ms. R. Mathieson appealed the decision of "not sustained" regarding her complaints that she was mistreated and misled by two members of the police service regarding a traffic offence. After consideration of the evidence the Board found that the Chief of Police was justified in the determination made and the appeal was dismissed.

Mr. E. Silverman, President of the Family of Men Support Society, appealed the decision regarding his complaint that attempts were made, without success, with the Police Service and the Police Commission to discuss issues of gender bias in domestic conflict situations. Mr. Silverman was of the opinion that the speech on domestic violence given by the Chief of Police was biased against men. After considering the evidence presented at the hearing and a review of the Chief's speech, the Board determined that Mr. Silverman had not met the burden of proof. The appeal was therefore dismissed.

Mr. P. Lupyczuk appealed the decision of the Chief of Police regarding his complaints that a thorough investigation was not conducted into a motor vehicle accident he was involved in. Mr. Lupyczuk also alleged that he was treated in a rude and aggressive manner. After hearing the evidence presented the Board dismissed the appeal, however, the officer was **CAUTIONED** for using objectionable language.

Ms. C. Frost appealed the decision regarding her complaints of inappropriate conduct and that officers did not have the authority to remove her from her residence. After considering the evidence called on this appeal the Board was not satisfied that Ms. Frost had met the burden of proof. The appeal was therefore dismissed.

Mr. J. Pringle appealed the decision of the Chief of Police regarding his complaints that he was arrested without being advised of his rights, and that he was harassed in general by members of the police service. After a careful review of the evidence presented the Board was persuaded the appeal be dismissed. The officer, however, was **CAUTIONED** for pursuing unnecessary checks on the appellant. A reference was made to the Chief of Police.

Ms. E. Laird appealed the decision regarding her complaint that police officers failed to take her concerns into consideration with respect to a child custody situation. After considering the evidence presented at the hearing it was the conclusion of the Board that the appeal be dismissed. A reference was made to the Calgary Police Commission.

Medicine Hat

Mr. L. Harty appealed the Chief's decision regarding his complaint that an officer directly sprayed him with pepper spray when there was no justification or excuse for doing so. After a careful review of the evidence provided at Mr. Harty's hearing the Board was

not satisfied that the officer misconducted himself or violated any part of the Regulation of the Police Act. The appeal was therefore dismissed, however, limitations were prescribed concerning the application of O.C. spray.

DISMISSED - LACK OF JURISDICTION

Mr. B. Ceminchuk filed an appeal concerning the hiring policies and costs associated in the application procedures for positions with the Edmonton Police Service. The Board was satisfied upon a review of the evidence presented that the nature of the complaint concerned a "policy" issue and therefore, the Board was without jurisdiction to hear Mr. Ceminchuk's appeal. The matter was accordingly referred back to the Edmonton Police Commission.

Mr. W. Heron, through his counsel, wrote to the Board seeking to appeal the circumstances of his separation from the R.C.M.P. in the role of Auxiliary Constable. After careful consideration of the correspondence filed the Board was satisfied that it is without jurisdiction to hear an appeal in circumstances where an R.C.M.P. auxiliary member is separated from the R.C.M.P., through the measure identified in s. 5(4) of the Special Constable Regulation.

DISMISSED - LACK OF PROSECUTION

Mr. C. Joynt appealed to the Board following his arrest and trial for being intoxicated in a public place. At the hearing Mr. Joynt requested an adjournment due to the unavailability of his witness and that he was not prepared to give evidence. Mr. Joynt's appeal, by his actions and comments before the Board, were considered to be frivolous and vexatious. The Board dismissed the appeal due to lack of prosecution and costs were awarded against Mr. Joynt.

Mr. R. Ferris filed an appeal with the Board regarding his complaint that police officers did not investigate his concerns properly and that excessive force was used upon arrest. Mr. Ferris failed to appear for his scheduled hearing. The appeal was dismissed for lack of prosecution.

Mr. R. Millward appealed the Chief's decision regarding his complaint that a member of the police service intentionally withheld important evidence prior to and during his trial. Mr. Millward did not appear for his scheduled hearing. The appeal was dismissed for lack of prosecution. Costs were awarded against the appellant.

Mr. W. McQuiggan appealed the Chief's decision regarding his complaint that a police officer lied under oath at his trial and fabricated her notes to support her evidence. Mr. McQuiggan failed to appear for his scheduled hearing. The appeal was dismissed for lack of prosecution.

WITHDRAWN

Mr. D. Porfon filed an appeal regarding his complaints that officers did not properly investigate a neighbour dispute, and that he was treated in a rude and aggressive manner. Mr. Porfon contacted the Board prior to his hearing requesting to withdraw his appeal. The request was granted and the appeal withdrawn.

Mr. S. Middleton filed an appeal regarding a photo radar ticket he received. He claimed the officer did not check the speed reduction signs to ensure they were properly posted. Mr. Middleton contacted the Board prior to his hearing requesting to withdraw his appeal. The request was granted and the appeal withdrawn.

Ms. D. Stewart filed an appeal regarding her complaints that officers did not properly investigate an altercation she was involved in and that excessive force was used when she was arrested. Ms. Stewart contacted the Board prior to her scheduled hearing requesting to withdraw her appeal. The request was granted and the appeal withdrawn.

Mr. R. Berraiult filed an appeal with the Board regarding his complaints that he was not informed of his rights when arrested, and that the order and sequence of words in witness statements were arranged in favour of the officer. Mr. Berriault advised the Board of his intention to withdraw his appeal. The request was granted and the appeal withdrawn.

Mr. B. Friesen, through his counsel, filed an appeal with the Board alleging that unnecessary force was exercised when he was apprehended and detained. Mr. Friesen's counsel notified the Board of his client's intention to withdraw his appeal. The request was granted and the appeal withdrawn.

Mr. N. Wise filed an appeal with the Board regarding his complaint that an investigation was not properly conducted concerning an altercation he was involved while he was in the hospital. Mr. Wise also alleged he was racially discriminated against by an officer. Mr. Wise contacted the Board prior to his appeal hearing requesting that his appeal be withdrawn. The request was granted and the appeal withdrawn.

Mr. T. Hancheroff filed a Notice of Appeal regarding his complaint that he was unlawfully detained and searched while attending a friend's residence to help him move. The Board received a request from the Police Service requesting authorization for the Service to attempt in the mediation of Mr. Hancheroff's complaint. The Board consented to the Service's request. The Chief of Police reported that mediation was successful to the extent that Mr. Hancheroff was no longer inclined to pursue his appeal with the Board. Mr. Hancheroff advised the Board of his intention to withdraw his appeal.

OFFICER APPEALS

DISMISSED UPON HEARING

Sgt. R. Bond appealed an "Official Warning" issued by way of a disciplinary hearing. The disciplinary hearing was held as a result of a complaint against Sgt. Bond regarding unlawful/unnecessary exercise of authority and discreditable conduct. After reviewing the evidence the Board found the determination of the Chief of Police was justified and the appeal was dismissed.

Cst. W. Goodwin appealed the finding on one count of Corrupt Practice. Cst. Goodwin's appeal hearing was conducted on the record. Taking into consideration the arguments presented by both parties the Board was of the view that the appeal must be dismissed.

DISMISSED - LACK OF PROSECUTION

Cst. G. Seath appealed an "Official Warning" issued by way of a disciplinary hearing concerning a complaint of Neglect of Duty. On the scheduled hearing date Cst. Seath failed to appear and the appeal was dismissed for lack of prosecution. Costs were awarded against Cst. Seath.

WITHDRAWN

Cst. W. Suffesick, through his counsel, filed an appeal with the Board regarding an "Official Warning" he received resulting from a complaint of Neglect of Duty. Written notice was received from counsel advising the Board of Cst. Suffesick's intention to withdraw his appeal. The request was granted and the appeal withdrawn.

STATISTICAL ANALYSIS OF APPEALS FILED WITH THE BOARD

Classification of Complaints - 1992-97

In 1997 the Board conducted an in-depth review of the types of complaints (on appeal) that have been filed with the Board. The complaints were then categorized according to the "Misconduct of a Police Officer" classification, outlined in section 5 of the Police

Service Regulation. The classification of misconducts are as follows:

a) breach of confidence
b) corrupt practice
c) deceit
d) discreditable conduct
e) improper use of firearms
f) neglect of duty
g) unlawful or unnecessary exercise of authority

Since 1992, the Board considered on appeal 328 complaints regarding officer conduct. Out of this number the complaints were broken down as follows:

Unlawful or unnecessary exercise of authority	146 complaints
Discreditable conduct	76 complaints
Neglect of duty	70 complaints
Deceit	24 complaints
Corrupt Practice	7 complaints
Improper Use of Firearms	3 complaints
Breach of Confidence	2 complaints
Total:	328 complaints

The Board recognized that the three classifications where most of the complaints were filed were quite broad in nature and therefore, broke down these classifications further. More specifically:

Unlawful or Unnecessary Exercise of Authority:		146
Excessive Force (prior to/during arrest)	57	
Unlawful arrest/detainment	42	
Unnecessary exercise of authority	29	
Improper search/unlawful entry	18	
Discreditable Conduct:		76
Rude/abusive language or behavior	48	
Inappropriate conduct	17	
Prejudice or bias	11	
Neglect of Duty:		70
Failure to conduct a proper investigation	23	
Failure to Charter/advise rights	11	
Other	36	

Summary of Activities - 1995 -1997

The following information has been compiled in order to provide a summation of the activities of the Law Enforcement Review Board for the years 1995 to 1997.

In 1995, the Law Enforcement Review Board disposed of 47 appeals. Of the 47 cases heard, 7 appeals (22% of appeals heard) were allowed (including 3 allowed in part), 31 were dismissed, 8 were withdrawn and one appeal was reheard. Of the 31 dismissed appeals, 22 were dismissed upon hearing, 5 were dismissed for lack of prosecution and 4 were dismissed for lack of jurisdiction. The number of Calgary citizen appeals was higher than the number for Edmonton, with 29 (62%) and 12 (26%) respectively.

The 1995 statistical analysis does not indicate where it was appropriate to deliver a Board admonishment or caution. In 1995, the Board admonished 3 police officers for unsatisfactory conduct and one officer was cautioned. Also absent from the Activities table is a report on Board References to police commissions. In 1995, the Board made two References to a police commission on matters pertaining to policy.

In 1996, the Law Enforcement Review Board disposed of 37 appeals. Of the 37 cases heard, 3 appeals (8% of appeals heard) were allowed in part, 29 were dismissed and 5 were withdrawn. Of the 29 dismissed appeals, 16 were dismissed upon hearing and 13 were dismissed for lack of prosecution. The number of Calgary citizen appeals was lower than the number for Edmonton, with 14 (38%) and 21 (57%) respectively. This was the first time on record (in over a decade) that Edmonton has had a higher number of citizen appeals over Calgary. There were 2 (5%) appeals from Lethbridge.

Statistical analysis for 1996, does not indicate where it was appropriate to deliver a Board admonishment or caution. In 1996, the Board admonished one police office for use of profane and abusive language. Also absent from the Activities table is a report on References and Recommendations to police commissions. In 1996, the Board made four References or Recommendations to police commissions on matters pertaining to policies and/or practices.

In 1997, the Law Enforcement Review Board disposed of 43 appeals. Of the 43 cases heard, 4 appeals (9% of appeals heard) were allowed or allowed in part, 29 were dismissed and 9 were withdrawn. Of the 29 dismissed appeals, 22 were dismissed upon hearing, 5 were dismissed for lack of prosecution, and 2 were dismissed for lack of jurisdiction. The number of Calgary citizen appeals was higher than the number for Edmonton, with 20 (47%) and 18 (42%) respectively. There were 4 (9%) appeals from Lethbridge and 1(2%) from Medicine Hat. As seen in past years, the majority of the appeals related to complaints concerning Unlawful/Unnecessary Exercise of Authority (42.5%).

Statistical analysis for 1997, does not indicate where is was appropriate to deliver a

Board admonishment or caution. In 1997, one officer was admonished for arresting and charging an appellant in the absence of lawful grounds. Three officers were cautioned. This is not reflected in the Activities table on the following page. Also absent from the table is a report on the References and Recommendations made. In 1997, the Board made seven References and/or Recommendations to police commissions on matters concerning policies and practices. In addition one Reference was made to a Chief of Police concerning the use of database systems to obtain personal information. Also absent from the statistical tables are figures concerning the awarding of costs under s. 20(4)(a) of the *Police Act*. In 1997, the Board awarded costs of $2,500 (total) against citizens for bringing frivolous and vexatious appeals. In one instance costs were awarded against an officer in favour of the police service concerned.

During the years 1995, 1996 and 1997, there were no cases before the Board involving private investigators or security guards. In 1997, there was one case involving a special constable.

The Activities table on the following page outlines the activities of the Board for 1995, 1996, and 1997.

SUMMARY OF ACTIVITIES
Table - Cases Disposed of by the Board - 1995 - 1997

DISPOSITION	1995				1996				1997			
	CIVILIAN	POLICE	TOTAL	%	CIVILIAN	POLICE	TOTAL	%	CIVILIAN	POLICE	TOTAL	%
Appeals Allowed			7	15			3	8			4	9
- Calgary	4								1			
- Edmonton	3				3				1			
- Lethbridge									2			
Appeals Dismissed Upon Hearing			22	47			17	46			22	51
- Calgary	17				9				9	2		
- Edmonton	3	1			8				10			
- Medicine Hat									1			
- Lethbridge	1											
Appeals Dismissed for Lack of Prosecution			5	11			12	32			5	12
- Calgary	2				3				3			
- Edmonton	2				8				1	1		
- Camrose	1											
- Lethbridge					1							
Appeals Dismissed for Lack of Jurisdiction			4	8						2	5	
- Calgary		2							2			
- Edmonton	1											
- Lethbridge		1										
Recommendation to Minister			0	0			0	0				
Withdrawn by Complainant			8	17			5	14			10	23
- Calgary	3	1			2				4	1		
- Edmonton	3				1	1			3			
- Lacombe												
- Camrose	1											
- Lethbridge					1				2			
Rehearing												
- Calgary	1		1	2								
TOTAL	42	5	47	100	36	1	37	100	39	4	43	100
- Calgary	28	3	31	66	14		14	38	17	3	20	47
- Edmonton	11	1	12	26	20	1	21	57	17	1	18	42
- Medicine Hat									1		1	2
- Lacombe												
- Camrose	2		2	4								
- Lethbridge	1	1	2	4	2		2	5	4		4	9

1997 BREAKDOWN OF APPEALS FILED WITH THE LAW ENFORCEMENT REVIEW BOARD

Location/Police Service Involved	ALLOWED	DISMISSED UPON HEARING	ALLOWED IN PART	WITHDRAWN	DISMISSED - LACK OF PROSECUTION	DISMISSED - LACK OF JURISDICTION
EDMONTON	Rishi, K.	Krysko, M.		Porfon, D.	Seath, G. *	Ceminchuk, B.
		Beckman, R.		Middleton, S.	McQuiggan, W.	Heron, W.
		Wong, S. L.		Tschetter, A.		
		Donecz, F. (x 2)				
		Hill, M.				
		Bradley, S.				
		Osborne, G.				
		Zurowski, D.				
		deJong, D.				
CALGARY	Smith, S.	Riopelle, C.		Stewart, D.	Joynt, C.	
		deVries, A.		Suffesick, W.*	Ferris, R.	
		Hilford, R.		Hartman, P.	Millward, R.	
		Lupyczuk, P.		Friesen, B.		
		Mathieson, R.		Wise, N.		
		Silverman, E.				
		Bond, Sgt. R. *				
		Frost, C.				
		Laird, E.				
		Pringle, J.				
		Goodwin, Cst. W.*				

Location/Police Service Involved	ALLOWED	DISMISSED UPON HEARING	ALLOWED IN PART	WITHDRAWN	DISMISSED - LACK OF PROSECUTION	DISMISSED - LACK OF JURISDICTION
LETHBRIDGE	Earle, D.		Kwartel, E.	Berriault, R..		
				Hancheroff, T.		
MEDICINE HAT		Harty, L.				

* - represents officer appeals

Totals = Citizen Appeals = 39
Officer Appeals = 4

TOTAL = 43

LAW ENFORCEMENT REVIEW BOARD ACTIVITIES

APPEALS DISPOSED OF BY THE BOARD - 1997

Appeals Allowed	3
Appeals Allowed in Part	1
Appeals Dismissed	
Upon Hearing	22
For Lack of Prosecution	5
For Lack of Jurisdiction	2
Referred to Attorney General	
Withdrawn by Complainant	10
Rehearing	
TOTAL	43